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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,309	06/22/2007	Chi We Chim	7051P028	6944

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EXAMINER	
OMOTOSHO, EMMANUEL	
ART UNIT	PAPER NUMBER
3714	
MAIL DATE	DELIVERY MODE
05/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/589,309	CHIM ET AL.	
	Examiner	Art Unit	
	EMMANUEL OMOTOSHO	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3-7,10,11 and 19-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3-7,10,11 and 19-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 3-7, 10-11 and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson et al. CA 2334546.

3. Claim 19: Jackson teaches a gaming machine comprising a game control system (5:15-17) arranged to:

a. Allow a player to select one of a plurality of different wagers that can be staked on an outcome of the game (8:2-3)

b. Select only one jackpot prize from a plurality of jackpot prizes as an eligible jackpot prize based on the one of the plurality of different wagers selected to be staked on the out come of the game (8:2-3 fig 2-3).

c. Increment the eligible jackpot prize (5:6-12).

d. If a jackpot awarding criterion occurs, award only the eligible jackpot prize to the player (1:21-2:5).

4. Jackson fails to teach incrementing only the eligible jackpot prize. Instead, Jackson teaches that all awardable jackpots are incremented by a unique percentage. In any case, Jackson teaches incrementing the wager associated jackpot. For a

designer to choose to increment the other (i.e. unqualified) jackpots or not is a matter of design choice well within the skill set of an ordinary artisan. As shown above, Jackson teaches increasing the eligible jackpot that is determined by the players wager. As shown above, the core idea of the present invention is taught in Jackson's reference. The difference is that Jackson chose to also increment the other jackpots. Whereas, in the applicants invention, applicant chose to increment only the jackpot that the player is eligible for. However, this limitation (i.e. increment only the qualified jackpot) does not lend criticality to the invention. To choose to increment one/some/all the jackpot is strictly dependent on the design constraints that the designer is working with.

5. Claims 3-4: Jackson teaches the game machine further including a second display mounted on the top box of the machine and configured to display a current value of the jackpot prizes (fig 3: 30a-c).

6. Claim 5: wherein the user interface includes a bet selecting arrangement selected from a group which includes at least one of the following: a keypad, a touch screen and an array of buttons (8:3).

7. Claim 6: the user interface is configured to enable selection of one of the wagers prior to initiating a game play of the wagering game (5:7-6:5).

8. Claim 7: wherein the wagers are each a multiple of a common amount (5:25-6:5).

9. Claim 10: wherein the jackpot prizes accumulate from a predetermined minimum value and are incremented towards a predetermined maximum value (5:6-12).

10. Claim 11: wherein when each jackpot prize is contributed to, it is contributed to by a portion of the amount wagered (5:6-12).

11. Claim 20: a gaming system including a plurality of gaming machines as claimed in 19 linked together so that the plurality of jackpot prizes are common to the plurality of gaming machines (4:7-15)

12. Claim 21: wherein the wagering games provided by at least two of the plurality of gaming machines are different types of wagering games (1:9-10 incorporates Tracy 5,280,909 section 6:47-56 by reference).

13. Claim 22-25: Jackson teaches a gaming machine that provides a wagering game, the gaming machine comprising: a game controller and a user interface, the user interface operable by a player to specify one of a plurality of different possible wagers to stake in the wagering game (5:15-17, 8:2-3); a display that displays the outcome of the wagering game (fig 4); and a plurality of jackpot prizes that are each awardable during play of the wagering game (5:15-17).

14. Jackson fail to specifically teach wherein a selection of less than all of the jackpots is contributed to in response to the staking of a said wager by the player, the selection changing dependent on which of the plurality of different possible wagers was staked . Instead, Jackson teaches that all awardable jackpots are incremented by a unique percentage. In any case, Jackson teaches incrementing the wager associated jackpot. For a designer to choose to increment the other (i.e. unqualified) jackpots or not is a matter of design choice well within the skill set of an ordinary artisan. As shown above, Jackson teaches increasing the eligible jackpot that is determined by the players wager. As shown above, the core idea of the present invention is taught in Jackson's reference. The difference is that Jackson chose to also increment the other jackpots.

Whereas, in the applicants invention, applicant chose to increment only the jackpot that the player is eligible for. However, this limitation (i.e. increment only the qualified jackpot) does not lend criticality to the invention. To choose to increment one/some/all the jackpot is strictly dependent on the design constraints that the designer is working with.

Response to Arguments

15. Applicant's arguments filed 3/14/08 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMMANUEL OMOTOSHO whose telephone number is (571)272-3106. The examiner can normally be reached on m-f 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EO

/Ronald Laneau/
Supervisory Patent Examiner, Art Unit 3714
05/22/08